

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STANLEY LEWIS SMITH,

Petitioner,

v.

WARDEN C. E. HARRISON,

Respondent.

CV F 05-0218 AWI WMW HC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS RE MOTION TO
DISMISS PETITION FOR WRIT OF HABEAS
CORPUS

[Doc. 7, 10]

Petitioner is a prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. Section 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On July 17, 2006, the Magistrate Judge filed findings and recommendations herein. These findings and recommendations were served on the parties and contained notice to the parties that any objections to the findings and recommendations were to be filed within thirty days. No objections were filed.¹

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)C) this court has conducted a de

¹The court notes that the copy of the findings and recommendations mailed to Petitioner was returned by the United States Postal Service as undeliverable. However, service on a petitioner at his address of record is fully effective. Local Rule 83-182(e).

1 novo review of this case. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir.
2 1983). Having carefully reviewed the entire file, the court finds the findings and recommendations
3 to be supported by the record and by proper analysis.

4 Based on the foregoing, it is HEREBY ORDERED that:

- 5 1. The findings and recommendations issued by the Magistrate Judge on
6 July 17, 2006, are adopted in full;
- 7 2. Respondent's motion to dismiss is GRANTED and the Petition for Writ of Habeas Corpus is
8 DISMISSED for lack of jurisdiction; and
- 9 3. The Clerk of the Court is directed to enter judgment for Respondent and to close this case.

10
11 IT IS SO ORDERED.

12 **Dated: October 12, 2006**
13 0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE